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Patent
Case No.: 59057US002

32692

Customer Number

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: SAULSBURY, KIM B.

Application No.: 10/699455

Confirmation No.: 2864

Filed: October 31, 2003

Title: FUEL CELL END PLATE ASSEMBLY

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR § 1.8(a))

I hereby certify that this correspondence is being:

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September 18, 2006

Date

Phyllis J. Boettcher

Signed by: Phyllis J. Boettcher

Dear Sir:

This is in response to the Office Action mailed May 17, 2006. Claims 1 - 67 are pending. Claims 1 - 67 were restricted under 35 USC § 121 as follows:

- I. Claims 1 - 16 are said to be drawn to a fuel cell current collection system, classified in Class 429, subclass 32;
- II. Claims 17 - 56 are said to be drawn to a fuel cell assembly, classified in Class 429, subclass 37;
- III. Claims 57 - 67 are said to be drawn to a fuel cell end plate, classified in Class 429, subclass 34.

Election

In response, Applicants elect Group I, with traverse.

Reconsideration and withdrawal or modification of the restriction requirement is respectfully requested.

Applicants submit that the claims of Groups I-III are so interrelated that a search of one group of claims will reveal art to the other. All three of groups I-III have been classified in Class 429.

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Were restriction to be effected between the claims of Groups I-III, a separate examination of the claims of Groups I-III would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I-III would have to be as rigorous as when only the claims of Group I were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims of Groups I-III, it would place an undue burden by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting two applications and maintaining two patents.

Conclusion

Applicants have elected Group I. Continued prosecution of this application is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

By:


Philip Y. Dahl, Reg. No.: 36,115
Telephone No.: 651-737-4029September 18, 2006

Date

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833